



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

*Street address:* 629 East Main Street, Richmond, Virginia 23219

*Mailing address:* P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

[www.deq.virginia.gov](http://www.deq.virginia.gov)

W. Tayloe Murphy, Jr.  
Secretary of Natural Resources

Robert G. Burnley  
Director

(804) 698-4000  
1-800-592-5482

October 10, 2003

Mr. J. Robert Hume  
U. S. Army Corps of Engineers  
Regulatory Branch  
Norfolk District, Fort Norfolk  
803 Front Street  
Norfolk, Virginia 23510-1096

RE: Final Section 401 Water Quality Certification of Norfolk District RP-15, RP-17, RP-18, RP-19, RP-22, RP-40, LOP-1 and LOP-2

Dear Mr. Hume:

On June 30, 2003 the U.S. Army Corps of Engineers (USACE) Norfolk District published a notice of their proposed reissuance and modification of several Norfolk District Regional Permits and Letters of Permission. The following Regional Permits and Letters of Permission were reissued on August 14, 2003 with an expiration date of August 14, 2008: RP-15, RP-17, RP-18, RP-19, RP-22, RP-40, LOP-1 and LOP-2.

The State Water Control Board hereby provides unconditional §401 Water Quality Certification for the following Norfolk District Regional Permits as meeting the requirements of the Virginia Water Protection Permit Regulation, which serves as the Commonwealth's §401 Water Quality Certification:

RP-15: Maintenance of Existing Drainage Ditches and Mosquito Control Ditches

RP-17: Private Open -Pile Piers, Mooring Piles, Certain Covered Boathouses and Devices Associated with Shellfish Gardening

RP-18: Private Piers not covered by RP-17, but with minimal individual and cumulative navigational and environmental impacts

RP-19: Certain Activities covered by VMRC and/or Local Wetland Boards

RP-22: Installation of certain structures in Lake Gaston

The State Water Control Board hereby provides conditional §401 Water Quality Certification for the following Norfolk District Regional Permit:

RP-40: Maintenance dredging and/or excavation of non-tidal waters for sediment and debris removal associated with flooding and/or erosion; except for activities that result in the dredging of more than 5,000 cubic yards of material, which will require either a Virginia Water Protection General or Individual Permit.

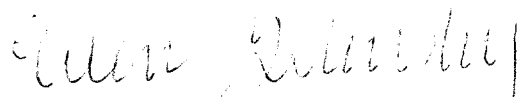
With regard to the LOP-1 for certain Virginia Department of Transportation activities and the LOP-2 for certain navigationally-related recreational and commercial dredging projects, the State Water Control Board will continue to process applications for individual §401 Certification through a Virginia Water Protection General or Individual Permit pursuant to 9VAC 25-210-10 et seq., with the following exception as noted in 9VAC25-210-220B:

"The board may waive the requirement for a VWP individual permit when the proposed activity qualifies for a permit issued by the USACE and receives a permit from the VMRC, pursuant to Chapter 12(Section 28.2-1200 et seq.) or Chapter 13(Section 28.2-1200 et seq.) of Title 28.2 of the Code of Virginia, and the activity does not impact instream flows."

Pursuant to our Virginia Water Protection Permit Regulation 9VAC 25-210-130H, the State Water Control Board is issuing this final §401 Certification as meeting the requirements of the VWP regulation and after advertising and accepting public comment for 30 days on our intent to provide certification. We note that no public comments on our proposed certification were received.

Thank you for your continuing cooperation in the administration of the Joint Permit Program.

Very truly yours,



Ellen Gilinsky, Ph.D., PWS  
Water Protection Permit Program Manager

cc: VWP Managers